

THE HONORABLE JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

TAMARA FERGUSON and BRIAN HEINZ,
individually and on behalf of others similarly
situated,

Plaintiffs,

v.

T-MOBILE USA, INC.,

Defendant.

No. 2:23-cv-142-JCC

**STIPULATION AND [PROPOSED]
ORDER TO STAY CASE PENDING
THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION'S
RULING ON THE PENDING
MOTION TO TRANSFER**

NOTE ON MOTION CALENDAR:
March 2, 2023

Under Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiffs Tamara Ferguson and Brian Heinz and Defendant T-Mobile USA, Inc., move the Court to stay all proceedings and deadlines in this action until the Judicial Panel on Multidistrict Litigation ("JPML") rules on the pending petition to transfer under 28 U.S.C. § 1407 ("Petition"). *See In re T-Mobile 2022 Customer Data Sec. Breach Litig.* ("In re: T-Mobile"), MDL No. 3073 (ECF No. 1). If the JPML denies the Petition, T-Mobile's response to the Complaint will be due 30 days from that denial. In support of this motion, the Parties state:

STIPULATED MOTION TO STAY PROCEEDINGS
(No. 2:23-cv-142-JCC) - 1

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1 Plaintiffs filed this case on January 31, 2023. *See* ECF No. 1. Plaintiffs allege T-Mobile
 2 failed to adequately safeguard the personal information of its customers from a criminal third-party
 3 actor. *Id.* The plaintiffs in more than 10 putative class actions have made similar allegations against
 4 T-Mobile based on the same data-security incident. *See In re T-Mobile*, MDL No. 3073 (ECF No.
 5 1-1). Those cases are pending in at least nine federal judicial districts. *See In re T-Mobile*, MDL
 6 No. 3037 (ECF No. 1-2).

7 This Court recently stayed a related case against T-Mobile pending the JPML's transfer
 8 ruling. *Dollson v. T-Mobile US, Inc.*, No. 1:23-cv-172 (W.D. Wash. Feb. 28, 2023) (ECF No. 24).
 9 And other courts in this district have previously done the same. *E.g., Daruwalla v. T-Mobile USA,*
 10 *Inc.*, No. 2:21-cv-01118-BJR (W.D. Wash. Oct. 29, 2021) (ECF No. 39); *Rogoff v. T-Mobile USA,*
 11 *Inc.*, No. 2:21-CV-01157-BJR, 2021 WL 5279921, at *1 (W.D. Wash. Nov. 12, 2021). Courts in
 12 this district have also recognized that conserving resources presents good cause for a stay when
 13 there is a pending JPML petition.¹

14 This case was noticed to the JPML as related to *Clark v. T-Mobile US, Inc.*, No. 2:23-cv-
 15 00103 (W.D. Wash.). *See In re: T-Mobile*, MDL No. 3073 (ECF No. 1-2). Because it is possible
 16 the JPML will grant the pending Petition to transfer and coordinate or consolidate the related
 17 cases—including this one—for pretrial proceedings under 28 U.S.C. § 1407, the Parties think
 18 staying this case will conserve their resources and the Court's. *See Daruwalla*, No. 2:21-cv-01118-
 19

20 ¹ *See, e.g., Donovan v. T-Mobile USA, Inc.*, No. 2:21-cv-01138-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 13); *Akins*
 21 *v. T-Mobile USA, Inc.*, No. 2:21-cv-01179-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 11); *Hughes v. T-Mobile USA,*
 22 *Inc.*, No. 2:21-cv-01139-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 15); *Villalon v. T-Mobile USA, Inc.*, No. 2:21-
 cv-1148-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 13); *Espanozo v. T-Mobile USA, Inc.*, No. 2:21-cv-1119-BJR
 (W.D. Wash. Sept. 20, 2021) (ECF No. 30); *Huerta v. T-Mobile USA, Inc.*, No. 2:21-cv-01183-BJR (W.D. Wash.
 Sept. 29, 2021) (ECF No. 10); *Brackman v. T-Mobile USA, Inc.*, No. 2:21-cv-01277-BJR (W.D. Wash. Oct. 6, 2021)
 (ECF No. 13); *Schupler v. T-Mobile USA, Inc.*, No. 2:21-01161-BJR (W.D. Wash. Nov. 1, 2021) (ECF No. 9).

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BJR (ECF No. 39). Under these circumstances, “[c]ourts frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.” *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998).

The Court should grant the Parties a short stay of proceedings until the JPML rules on the Petition. And if the JPML denies the Petition, T-Mobile’s response to the Complaint will be due 30 days from that denial.

Dated: March 2, 2023

By: /s/ Kaleigh N. Boyd

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[~~PROPOSED~~] ORDER

IT IS SO ORDERED.

DATED this 3rd day of March 2023.



John C. Coughenour
UNITED STATES DISTRICT JUDGE

Presented By:

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